

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 715

Introduced by Assembly Member Chan

February 19, 2003

An act to amend Sections 17070.15, 17072.10, 17072.30, and 17072.32 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Chan. School facilities: new construction: small schools.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to determine an applicant's maximum total new construction grant eligibility under a specified calculation and requires the board to annually adjust the per-unhoused-pupil apportionment to reflect construction cost changes.

Existing law precludes reduction of enrollment projections for a 3-year period, and requires the board to approve a supplemental apportionment, for an applicant school district having an enrollment of 2,500 or less.

This bill would provide that for a small school, as defined, the maximum total new construction grant shall be adjusted to reflect 120% of the amounts determined pursuant to the above calculations.

Existing law prohibits the board from apportioning funds for new construction unless certain conditions are met including, but not limited to, the requirement that the school district, prior to the release of state funds, certify that the required 50% local matching funds will be deposited or expended.

This bill would, instead, for a project for construction of a new small school, authorize apportionment to a school district only if the school district certifies that the required 40% local matching funds will be deposited or expended.

Existing law authorizes the release of funds equal to the local match upon certification by the district that it has entered into a binding contract for completion of the project.

This bill would, for a project to construct a small school, authorize the release of funds equal to 60% of the total approved project costs.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 17070.15 of the Education Code is~~
- 2 *SECTION 1. (a) The Legislature finds and declares all of the*
- 3 *following:*
- 4 *(1) Research has shown that school size is an important*
- 5 *predictor of pupil success, second only to socioeconomic status.*
- 6 *The research literature clearly states the superiority of small*
- 7 *schools as learning environments. In small schools all of the*
- 8 *following occur:*
- 9 *(A) Dropout and truancy rates dramatically decrease and*
- 10 *graduation rates and postsecondary education enrollment rates*
- 11 *increase.*
- 12 *(B) Parents are much more likely to be involved in the school*
- 13 *and to have greater participation in decisionmaking.*
- 14 *(C) Pupils experience a greater sense of belonging and are*
- 15 *more satisfied with their schools.*
- 16 *(D) Fewer discipline problems occur.*
- 17 *(E) Crime, violence, and gang participation decrease.*
- 18 *(F) Incidences of alcohol and tobacco abuse decrease.*
- 19 *(G) Pupil attendance increases.*
- 20 *(2) A recent study of large and small schools in four states has*
- 21 *shown that smaller schools reduce the damaging effects of poverty*

1 and help pupils narrow the achievement gap between them and
2 pupils from more affluent communities.

3 (3) Reducing school size has also been shown to significantly
4 increase the likelihood of success of school reform efforts. Small
5 schools are more effective at staff development and in
6 implementing new curriculum.

7 (4) Based upon the research on the benefits of small schools, the
8 United States Department of Education has created the Smaller
9 Learning Communities Program and is currently providing a
10 small number of planning and implementation grants to school
11 districts across the country to support the development of small
12 schools and small learning communities.

13 (5) Other states have recognized the value of small schools and
14 have developed state policy to encourage small schools
15 development. In Florida, for example, all schools built after 2003
16 will be small schools.

17 (6) Many parent groups and school districts in the state,
18 including Oakland, Sacramento, San Jose, Los Angeles, and San
19 Francisco, have initiated efforts to create small schools. These
20 efforts include the creation of new small schools on new sites as
21 well as the reconfiguration of existing schools into small schools
22 and small learning communities.

23 (7) The trend in California, over the last few decades, has been
24 to build larger and larger schools. For example, in 2000, more
25 than 73 percent of California high schools had more than 1,000
26 pupils and more than 57 percent of middle schools had more than
27 800 pupils.

28 (8) The trend to build large schools has been driven by
29 California's rapidly growing population and by the assumption
30 that large schools are more cost effective.

31 (9) Research, however, has also shown that small schools, due
32 to lower dropout rates and factors such as reduced school violence,
33 can be more cost effective in per pupil spending than large schools.

34 (b) It is therefore the intent of the Legislature to enact changes
35 in state law to create an incentive for school districts to establish
36 smaller learning communities through increasing the state's share
37 of schools facilities funding for the construction of new small
38 schools and for the reconfiguration of existing schoolsites to
39 support smaller learning communities.

1 SEC. 2. *Section 17070.15 of the Education Code is amended*
2 to read:

3 17070.15. The following terms, wherever used or referred to
4 in this chapter, shall have the following meanings, respectively,
5 unless a different meaning appears from the context:

6 (a) “Apportionment” means a reservation of funds for the
7 purpose of eligible new construction, modernization, or hardship
8 approved by the board for an applicant school district.

9 (b) “Attendance area” means the geographical area serving an
10 existing high school and those junior high schools and elementary
11 schools included therein.

12 (c) “Board” means the State Allocation Board as established
13 by Section 15490 of the Government Code.

14 (d) “Department” means the Department of General Services.

15 (e) “Committee” means the State School Building Finance
16 Committee established pursuant to Section 15909.

17 (f) “Modernization” means any modification of a permanent
18 structure that is at least 25 years old, or in the case of a portable
19 classroom, that is at least 20 years old, that will enhance the ability
20 of the structure to achieve educational purposes.

21 (g) “Property” includes all property, real, personal or mixed,
22 tangible or intangible, or any interest therein necessary or
23 desirable for carrying out the purposes of this chapter.

24 (h) “School district” means a school district or a county office
25 of education. For purposes of determining eligibility under this
26 chapter, “school district” may also mean a high school attendance
27 area.

28 (i) “Fund” means the 1998 State School Facilities Fund, the
29 2002 State School Facilities Fund, or the 2004 State School
30 Facilities Fund, as the case may be, established pursuant to Section
31 17070.40.

32 (j) “County fund” means a county school facilities fund
33 established pursuant to Section 17070.43.

34 (k) “Portable classroom” means a classroom building of one
35 or more stories that is designed and constructed to be relocatable
36 and transportable over public streets, and with respect to a single
37 story portable classroom, is designed and constructed for
38 relocation without the separation of the roof or floor from the
39 building and when measured at the most exterior walls, has a floor
40 area not in excess of 2,000 square feet.

1 (l) "School building capacity" means the capacity of a school
2 building to house pupils.

3 (m) "Small school" means an elementary school with a total
4 enrollment of no more than ~~400~~ 300 pupils, a middle school with
5 a total enrollment of no more than ~~300~~ 400 pupils, or a high school
6 with a total enrollment of no more than ~~600~~ 500 pupils.

7 ~~SEC. 2.—~~

8 SEC. 3. Section 17072.10 of the Education Code is amended
9 to read:

10 17072.10. (a) The board shall determine the applicant's
11 maximum total new construction grant eligibility by multiplying
12 the number of unhoused pupils calculated pursuant to Article 3
13 (commencing with Section 17071.75) in each school district with
14 an approved application for new construction, by the
15 per-unhoused-pupil grant as follows:

16 (1) Five thousand two hundred dollars (\$5,200) for elementary
17 school pupils.

18 (2) Five thousand five hundred dollars (\$5,500) for middle
19 school pupils.

20 (3) Seven thousand two hundred dollars (\$7,200) for high
21 school pupils.

22 (b) The board shall annually adjust the per-unhoused-pupil
23 apportionment to reflect construction cost changes, as set forth in
24 the statewide cost index for class B construction as determined by
25 the board.

26 (c) Notwithstanding subdivisions (a) and (b), for a small
27 school, the maximum total new construction grant shall be
28 adjusted to reflect 120 percent of the amounts determined pursuant
29 to subdivisions (a) and (b).

30 (d) The board may adopt regulations to be effective until July
31 1, 2000, that adjust the amounts identified in this section for
32 qualifying individuals with exceptional needs, as defined in
33 Section 56026. The regulations shall be amended after July 1,
34 2000, in consideration of the recommendations provided pursuant
35 to Section 17072.15.

36 (e) The board may establish a single supplemental
37 per-unhoused-pupil grant in addition to the amounts specified in
38 subdivision (a) based on the statewide average marginal difference
39 in costs in instances where a project requires multilevel school

1 facilities due to limited acreage. The district's application shall
2 demonstrate that a practical alternative site is not available.

3 (f) For a school district having an enrollment of 2,500 or less
4 for the prior fiscal year, the board may approve a supplemental
5 apportionment of up to seven thousand five hundred dollars
6 (\$7,500) for any new construction project assistance. The amount
7 of the supplemental apportionment authorized pursuant to this
8 subdivision shall be adjusted in 2001 and every year thereafter by
9 an amount equal to the percentage adjustment for class B
10 construction.

11 ~~SEC. 3.—~~

12 *SEC. 4.* Section 17072.30 of the Education Code is amended
13 to read:

14 17072.30. (a) Subject to the availability of funds, and to the
15 determination of priority pursuant to Section 17072.25, if
16 applicable, the board shall apportion funds to an eligible school
17 district only upon the approval of the project by the Department
18 of General Services pursuant to the Field Act, as defined in Section
19 17281, and certification by the school district that the required 50
20 percent matching funds from local sources have been expended by
21 the district for the project, or have been deposited in the county
22 fund, or will be expended by the district by the time the project is
23 completed, in an amount at least equal to the proposed
24 apportionment pursuant to this chapter, prior to release of the state
25 funds.

26 (b) Notwithstanding subdivision (a), subject to the availability
27 of funds, the board shall, for a project to construct a small school,
28 apportion funds to an eligible school district only upon approval
29 of the project by the Department of General Services pursuant to
30 the Field Act, as defined in Section 17281, and certification by the
31 school district that the required 40 percent matching funds from
32 local sources have been expended by the district for the project, or
33 have been deposited in the county fund, or will be expended by the
34 district by the time the project is completed, in an amount at least
35 equal to 40 percent of the proposed apportionment pursuant to this
36 chapter, prior to release of the state funds.

37 ~~SEC. 4.—~~

38 *SEC. 5.* Section 17072.32 of the Education Code is amended
39 to read:

1 17072.32. (a) For any project that has received an
2 apportionment pursuant to subdivision (a) of Section 17072.30,
3 funding shall be released in amounts equal to the amount of the
4 local match upon certification by the school district that the school
5 district has entered into a binding contract for completion of the
6 approved project.

7 (b) Notwithstanding subdivision (a), for any project for
8 construction of a small school that has received an apportionment
9 pursuant to subdivision (b) of Section 17072.30, funding shall be
10 released in amounts equal to 60 percent of the amount of the local
11 match upon certification by the school district that the school
12 district has entered into a binding contract for completion of the
13 approved project.

